

U.S. District Court
California Northern District (San Francisco)
CIVIL DOCKET FOR CASE #: 3:19-cv-03512-WHO

Nightingale et al v. U.S. Citizenship and Immigration Services et al
Assigned to: Judge William H. Orrick
Demand: \$0
Cause: 05:552 Freedom of Information Act

Date Filed: 06/19/2019
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**Zachary Nightingale**

represented by **Claudia Valenzuela**
American Immigration Council
1331 G Street NW
Suite 200
Washington, DC 20005
202-507-7540
Email: cvalenzuela@immccouncil.org
PRO HAC VICE
ATTORNEY TO BE NOTICED

Emily Jamieson Creighton
American Immigration Council
1331 G Street NW
Suite 200
Washington, DC 20005
United Sta
(202)507-7514
Email: ecreighton@immccouncil.org
PRO HAC VICE
ATTORNEY TO BE NOTICED

Leila Kang
Northwest Immigrant Rights Project
615 2nd Ave. Ste. 400
Seattle, WA 98104
206-957-8608
Email: leila@nwirp.org
PRO HAC VICE
ATTORNEY TO BE NOTICED

Mary A Kenney
American Immigration Council
1331 G St. NW
Suite 200
Washington, DC 20005
202-507-7512
Fax: 202-742-5619
Email: mkenney@immccouncil.org
PRO HAC VICE
ATTORNEY TO BE NOTICED

Matthew Hyrum Adams
Northwest Immigrant Rights Project
615 Second Ave., Ste. 400
Seattle, WA 98104
206-957-8611
Fax: 206-587-4025
Email: matt@nwirp.org
PRO HAC VICE
ATTORNEY TO BE NOTICED

Stacy Eva Tolchin
Law Offices of Stacy Tolchin
634 S. Spring St.
Suite 500A
Los Angeles, CA 94104
213-622-7450
Fax: 213-622-7233
Email: stacy@tolchinimmigration.com
ATTORNEY TO BE NOTICED

Trina Ann Realmuto
American Immigration Council
1318 Beacon Street
Suite 18
Brookline, MA 02446
United Sta
857-305-3600
Email: trealmuto@immccouncil.org
ATTORNEY TO BE NOTICED

Plaintiff

Courtney McDermed

represented by **Claudia Valenzuela**
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Emily Jamieson Creighton
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Leila Kang
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Mary A Kenney
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Matthew Hyrum Adams
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Stacy Eva Tolchin
(See above for address)
ATTORNEY TO BE NOTICED

Trina Ann Realmuto
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Cheryl David

represented by **Claudia Valenzuela**
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Emily Jamieson Creighton
(See above for address)
ATTORNEY TO BE NOTICED

Leila Kang
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Mary A Kenney
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Matthew Hyrum Adams
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Stacy Eva Tolchin
(See above for address)
ATTORNEY TO BE NOTICED

Trina Ann Realmuto
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Pao Lopa

represented by **Claudia Valenzuela**
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Emily Jamieson Creighton
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Leila Kang
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Mary A Kenney
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Matthew Hyrum Adams
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Stacy Eva Tolchin
(See above for address)
ATTORNEY TO BE NOTICED

Trina Ann Realmuto
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Maribel Carandang

represented by **Claudia Valenzuela**
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Emily Jamieson Creighton

(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Leila Kang
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Mary A Kenney
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Matthew Hyrum Adams
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Stacy Eva Tolchin
(See above for address)
ATTORNEY TO BE NOTICED

Trina Ann Realmuto
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

U.S. Citizenship and Immigration Services

represented by **Cristen Cori Handley**
U.S. Department of Justice Civil Division
Federal Programs
1100 L Street NW
Washington, DC 20005
202-305-2677
Email: cristen.handley@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

U.S. Immigration and Customs Enforcement

represented by **Cristen Cori Handley**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

U.S. Department of Homeland Security

represented by **Cristen Cori Handley**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/19/2019	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 400, receipt number 0971-13449903.). Filed by Zachary Nightingale, Pao Lopa, Cheryl David, Courtney McDermed, Maribel Carandang. (Realmuto, Trina) (Filed on 6/19/2019) (Entered: 06/19/2019)
06/19/2019	<u>2</u>	Civil Cover Sheet by Maribel Carandang, Cheryl David, Pao Lopa, Courtney McDermed, Zachary Nightingale . (Realmuto, Trina) (Filed on 6/19/2019) (Entered: 06/19/2019)

06/19/2019	<u>3</u>	Proposed Summons. (Realmuto, Trina) (Filed on 6/19/2019) (Entered: 06/19/2019)
06/19/2019	<u>4</u>	Proposed Summons. (Realmuto, Trina) (Filed on 6/19/2019) (Entered: 06/19/2019)
06/19/2019	<u>5</u>	Proposed Summons. (Realmuto, Trina) (Filed on 6/19/2019) (Entered: 06/19/2019)
06/19/2019	<u>6</u>	Proposed Summons. (Realmuto, Trina) (Filed on 6/19/2019) (Entered: 06/19/2019)
06/19/2019	<u>7</u>	Proposed Summons. (Realmuto, Trina) (Filed on 6/19/2019) (Entered: 06/19/2019)
06/19/2019	<u>8</u>	NOTICE of Appearance by Stacy Eva Tolchin as co-counsel (Tolchin, Stacy) (Filed on 6/19/2019) (Entered: 06/19/2019)
06/19/2019	<u>9</u>	<p>Case assigned to Magistrate Judge Laurel Beeler.</p> <p>Counsel for plaintiff or the removing party is responsible for serving the Complaint or Notice of Removal, Summons and the assigned judge's standing orders and all other new case documents upon the opposing parties. For information, visit <i>E-Filing A New Civil Case</i> at http://cand.uscourts.gov/ecf/caseopening.</p> <p>Standing orders can be downloaded from the court's web page at www.cand.uscourts.gov/judges. Upon receipt, the summons will be issued and returned electronically. Counsel is required to send chambers a copy of the initiating documents pursuant to L.R. 5-1(e)(7). A scheduling order will be sent by Notice of Electronic Filing (NEF) within two business days. Consent/Declination due by 7/3/2019. (ajsS, COURT STAFF) (Filed on 6/19/2019) (Entered: 06/19/2019)</p>
06/20/2019	<u>10</u>	Initial Case Management Scheduling Order with ADR Deadlines: Case Management Statement due by 9/12/2019. Initial Case Management Conference set for 9/19/2019 11:00 AM in San Francisco, Courtroom B, 15th Floor. (fabS, COURT STAFF) (Filed on 6/20/2019) (Entered: 06/20/2019)
06/20/2019	<u>11</u>	Summons Issued as to U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Summons, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons)(fabS, COURT STAFF) (Filed on 6/20/2019) (Entered: 06/20/2019)
06/28/2019	<u>12</u>	CLERK'S NOTICE RESETTING CASE MANAGEMENT CONFERENCE: Initial Case Management Conference previously set for 9/19/2019 is reset to 10/10/2019 at 11:00 AM in San Francisco, Courtroom B, 15th Floor. Case Management Statement due by 10/3/2019. (<i>This is a text-only entry generated by the court. There is no document associated with this entry.</i>) (ejkS, COURT STAFF) (Filed on 6/28/2019) (Entered: 06/28/2019)
07/01/2019	<u>13</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by Maribel Carandang, Cheryl David, Pao Lopa, Courtney McDermed, Zachary Nightingale.. (Realmuto, Trina) (Filed on 7/1/2019) (Entered: 07/01/2019)
07/01/2019	<u>14</u>	<p>CLERK'S NOTICE OF IMPENDING REASSIGNMENT TO A U.S. DISTRICT COURT JUDGE: The Clerk of this Court will now randomly reassign this case to a District Judge because either (1) a party has not consented to the jurisdiction of a Magistrate Judge, or (2) time is of the essence in deciding a pending judicial action for which the necessary consents to Magistrate Judge jurisdiction have not been secured. You will be informed by separate notice of the district judge to whom this case is reassigned.</p> <p>ALL HEARING DATES PRESENTLY SCHEDULED BEFORE THE CURRENT MAGISTRATE JUDGE ARE VACATED AND SHOULD BE RE-NOTICED FOR HEARING BEFORE THE JUDGE TO WHOM THIS CASE IS REASSIGNED.</p> <p><i>This is a text only docket entry; there is no document associated with this notice.</i> (ejkS, COURT STAFF) (Filed on 7/1/2019) (Entered: 07/01/2019)</p>
07/02/2019	<u>15</u>	CLERK'S NOTICE Re: Motion to Relate Cases (lrcS, COURT STAFF) (Filed on 7/2/2019) (Entered: 07/02/2019)
07/02/2019	<u>16</u>	ORDER REASSIGNING CASE. Case reassigned using a proportionate, random, and blind system pursuant to General Order No. 44 to Judge William H. Orrick

		for all further proceedings. Magistrate Judge Laurel Beeler no longer assigned to case, Notice: The assigned judge participates in the Cameras in the Courtroom Pilot Project. See General Order No. 65 and http://cand.uscourts.gov/cameras.. Signed by Clerk on 7/2/19. (Attachments: # 1 Notice of Eligibility for Video Recording)(as, COURT STAFF) (Filed on 7/2/2019) (Entered: 07/02/2019)
07/03/2019	17	AFFIDAVIT of Service for Summons, Complaint, and case initiating documents served on Defendants, Attorney General William Barr, and US Attorney's Office for the Northern District of California on June 25, 2019, filed by Maribel Carandang, Cheryl David, Pao Lopa, Courtney McDermed, Zachary Nightingale. (Realmuto, Trina) (Filed on 7/3/2019) (Entered: 07/03/2019)
07/08/2019	18	CASE MANAGEMENT CONFERENCE ORDER – Case Management Conference set for 9/10/2019 02:00 PM in San Francisco, Courtroom 02, 17th Floor. Case Management Statement due by 9/3/2019. Signed by Judge William H. Orrick on 07/08/2019. (jmdS, COURT STAFF) (Filed on 7/8/2019) (Entered: 07/08/2019)
07/08/2019	19	CERTIFICATE OF SERVICE by Maribel Carandang, Cheryl David, Pao Lopa, Courtney McDermed, Zachary Nightingale of <i>Case Management Conference Order and Judge Orrick's Standing Order for Civil Cases</i> (Realmuto, Trina) (Filed on 7/8/2019) (Entered: 07/08/2019)
07/23/2019	20	MOTION for leave to appear in Pro Hac Vice (Filing fee \$ 310, receipt number 0971-13543976.) filed by Maribel Carandang, Cheryl David, Pao Lopa, Courtney McDermed, Zachary Nightingale. (Kang, Leila) (Filed on 7/23/2019) (Entered: 07/23/2019)
07/23/2019	21	MOTION for leave to appear in Pro Hac Vice (Filing fee \$ 310, receipt number 0971-13545417.) filed by Maribel Carandang, Cheryl David, Pao Lopa, Courtney McDermed, Zachary Nightingale. (Adams, Matthew) (Filed on 7/23/2019) (Entered: 07/23/2019)
07/29/2019	22	Order by Judge William H. Orrick granting 20 Motion for Pro Hac Vice by Leila Kang. (jmdS, COURT STAFF) (Filed on 7/29/2019) (Entered: 07/29/2019)
07/29/2019	23	Order by Judge William H. Orrick granting 21 Motion for Pro Hac Vice by Matt Adams. (jmdS, COURT STAFF) (Filed on 7/29/2019) (Entered: 07/29/2019)
07/30/2019	24	NOTICE of Appearance by Cristen Cori Handley (Handley, Cristen) (Filed on 7/30/2019) (Entered: 07/30/2019)
07/31/2019	25	ANSWER to Complaint by U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement. (Handley, Cristen) (Filed on 7/31/2019) Modified on 8/1/2019 (amgS, COURT STAFF). (Entered: 07/31/2019)
08/02/2019	26	MOTION & [PROPOSED] ORDER for leave to appear in Pro Hac Vice (Filing fee \$ 310, receipt number 0971-13575738.) filed by Maribel Carandang, Cheryl David, Pao Lopa, Courtney McDermed, Zachary Nightingale. (Kenney, Mary) (Filed on 8/2/2019) Modified on 8/6/2019 (aaa, COURT STAFF). (Entered: 08/02/2019)
08/05/2019	27	MOTION & [PROPOSED] ORDER for leave to appear in Pro Hac Vice (Filing fee \$ 310, receipt number 0971-13581757.) filed by Maribel Carandang, Cheryl David, Pao Lopa, Courtney McDermed, Zachary Nightingale. (Attachments: # 1 Certificate of Good Standing)(Creighton, Emily) (Filed on 8/5/2019) Modified on 8/6/2019 (aaa, COURT STAFF). (Entered: 08/05/2019)
08/08/2019	28	MOTION to Certify Class filed by Maribel Carandang, Cheryl David, Pao Lopa, Courtney McDermed, Zachary Nightingale. Motion Hearing set for 10/2/2019 02:00 PM in San Francisco, Courtroom 02, 17th Floor before Judge William H. Orrick. Responses due by 8/22/2019. Replies due by 8/29/2019. (Attachments: # 1 Index of Exhibits, # 2 Declaration First Realmuto Dec., # 3 Declaration Nightingale Dec. and attachment, # 4 Declaration David Dec., # 5 Declaration McDermed Dec., # 6 Declaration Abrutyn Dec., # 7 Declaration Cleveland Dec., # 8 Declaration Hall Dec., # 9 Declaration Asch Dec., # 10 Declaration Taurel Dec. and attachment, # 11 Declaration Ellison Dec., # 12 Declaration Hansen Dec., # 13 Declaration Lee Dec., # 14 Declaration Falgout Dec., # 15 Declaration Dobrin Dec. and attachments, # 16

		Declaration Phelps Dec., # <u>17</u> Declaration Second Realmuto Dec., # <u>18</u> Declaration Kenney Dec., # <u>19</u> Declaration Adams Dec., # <u>20</u> Declaration Tolchin Dec., # <u>21</u> Exhibit Lopa FOIA Status Check, # <u>22</u> Exhibit Carandang FOIA Status Check, # <u>23</u> Proposed Order)(Realmuto, Trina) (Filed on 8/8/2019) (Entered: 08/08/2019)
08/15/2019	<u>29</u>	MOTION & [PROPOSED] ORDER for leave to appear in Pro Hac Vice (Filing fee \$ 310, receipt number 0971-13613235.) filed by Maribel Carandang, Cheryl David, Pao Lopa, Courtney McDermed, Zachary Nightingale. (Attachments: # <u>1</u> Certificate of Good Standing)(Valenzuela, Claudia) (Filed on 8/15/2019) Modified on 8/16/2019 (aaaS, COURT STAFF). (Entered: 08/15/2019)
08/15/2019	<u>30</u>	MOTION to Continue <i>Defendants' Deadline to Respond to Plaintiffs' Motion for Class Certification</i> filed by U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement. (Attachments: # <u>1</u> Declaration, # <u>2</u> Proposed Order)(Handley, Cristen) (Filed on 8/15/2019) (Entered: 08/15/2019)
08/19/2019	<u>31</u>	OPPOSITION/RESPONSE (re <u>30</u> MOTION to Continue <i>Defendants' Deadline to Respond to Plaintiffs' Motion for Class Certification</i>) filed by Maribel Carandang, Cheryl David, Pao Lopa, Courtney McDermed, Zachary Nightingale. (Attachments: # <u>1</u> Declaration Third Realmuto Dec.)(Realmuto, Trina) (Filed on 8/19/2019) (Entered: 08/19/2019)
08/22/2019	<u>32</u>	ORDER GRANTING <u>30</u> MOTION TO CONTINUE DEFENDANTS' DEADLINE TO RESPOND TO PLAINTIFFS' <u>28</u> MOTION FOR CLASS CERTIFICATION – Response due by 9/5/2019. Signed by Judge William H. Orrick on 08/22/2019. (jmdS, COURT STAFF) (Filed on 8/22/2019) (Entered: 08/22/2019)
08/29/2019	<u>33</u>	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options (Realmuto, Trina) (Filed on 8/29/2019) (Entered: 08/29/2019)
08/29/2019	<u>34</u>	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options (Handley, Cristen) (Filed on 8/29/2019) (Entered: 08/29/2019)
09/03/2019	<u>35</u>	JOINT CASE MANAGEMENT STATEMENT & [PROPOSED] ORDER ; filed by Maribel Carandang, Cheryl David, Pao Lopa, Courtney McDermed, Zachary Nightingale. (Realmuto, Trina) (Filed on 9/3/2019) Modified on 9/4/2019 (aaaS, COURT STAFF). (Entered: 09/03/2019)
09/05/2019	<u>36</u>	OPPOSITION/RESPONSE (re <u>28</u> MOTION to Certify Class) filed by U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement. (Attachments: # <u>1</u> Declaration of Jill A. Eggleston, # <u>2</u> Declaration of Toni Fuentes)(Handley, Cristen) (Filed on 9/5/2019) (Entered: 09/05/2019)
09/06/2019	<u>37</u>	CLERK'S NOTICE – Case Management Conference continued to 10/2/2019 02:00 PM in San Francisco, Courtroom 02, 17th Floor (to coincide with motion hearing). <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (jmdS, COURT STAFF) (Filed on 9/6/2019) (Entered: 09/06/2019)
09/09/2019	<u>38</u>	Order by Judge William H. Orrick granting <u>27</u> Motion for Pro Hac Vice by Emily J. Creighton. (jmdS, COURT STAFF) (Filed on 9/9/2019) (Entered: 09/09/2019)
09/09/2019	<u>39</u>	Order by Judge William H. Orrick granting <u>29</u> Motion for Pro Hac Vice by Claudia Valenzuela. (jmdS, COURT STAFF) (Filed on 9/9/2019) (Entered: 09/09/2019)
09/09/2019	<u>40</u>	Order by Judge William H. Orrick granting <u>26</u> Motion for Pro Hac Vice by Mary Kenney. (jmdS, COURT STAFF) (Filed on 9/9/2019) (Entered: 09/09/2019)
09/11/2019	<u>41</u>	CLERK'S NOTICE ADVANCING HEARING – Hearing as to <u>28</u> MOTION to Certify Class and Initial Case Management Conference reset for 10/1/2019 03:00 PM in San Francisco, Courtroom 02, 17th Floor. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (jmdS, COURT STAFF) (Filed on 9/11/2019) (Entered: 09/11/2019)

09/12/2019	<u>42</u>	REPLY (re <u>28</u> MOTION to Certify Class) filed by Maribel Carandang, Cheryl David, Pao Lopa, Courtney McDermed, Zachary Nightingale. (Realmuto, Trina) (Filed on 9/12/2019) (Entered: 09/12/2019)
10/01/2019	<u>43</u>	Minute Entry for proceedings held before Judge William H. Orrick: Motion Hearing held on 10/1/2019 re <u>28</u> MOTION to Certify Class. Motion taken under submission; written order to follow. Further Case Management Conference set for 1/21/2020 02:00 PM in San Francisco, Courtroom 02, 17th Floor. Case Management Statement due by 1/14/2020. Total Time in Court: 36 minutes. Court Reporter: Ruth Levine Ekhaus. (jmdS, COURT STAFF) (Date Filed: 10/1/2019) (Entered: 10/03/2019)
10/07/2019	<u>44</u>	TRANSCRIPT ORDER for proceedings held on 10/1/2019 before Judge William H. Orrick by Maribel Carandang, Cheryl David, Pao Lopa, Courtney McDermed, Zachary Nightingale, for Court Reporter Ruth Ekhaus. (Kang, Leila) (Filed on 10/7/2019) (Entered: 10/07/2019)
10/09/2019	<u>45</u>	TRANSCRIPT ORDER for proceedings held on 10/01/2019 before Judge William H. Orrick by U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement, for Court Reporter Ruth Ekhaus. (Handley, Cristen) (Filed on 10/9/2019) (Entered: 10/09/2019)
10/11/2019	<u>46</u>	Transcript of Proceedings held on 10/01/19, before Judge William H. Orrick. Court Reporter Ruth Levine Ekhaus, RDR, FCRR, CSR No. 12219, telephone number (415)336-5223/ruth_ekhaus@cand.uscourts.gov. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerk's Office public terminal or may be purchased through the Court Reporter until the deadline for the Release of Transcript Restriction. After that date, it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. (Re <u>45</u> Transcript Order,) Release of Transcript Restriction set for 1/9/2020. (Related documents(s) <u>45</u>) (rreS, COURT STAFF) (Filed on 10/11/2019) (Entered: 10/11/2019)